

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
ROOFERS LOCAL NO.149 PENSION FUND, *on behalf* :  
*of itself and all others similarly situated,* :

Plaintiff, :

23 Civ. 2138 (JPC)

-v- :

ORDER

AMGEN INC. *et al.*, :

Defendants. :

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JOHN P. CRONAN, United States District Judge:

On September 29, 2023, the United States Supreme Court granted certiorari in *Macquarie Infrastructure Corporation v. Moab Partners, L.P.*, No. 22-1165, 2023 WL 6319659 (U.S. Sept. 29, 2023). The question presented was “[w]hether the Second Circuit erred in holding—in conflict with the Third, Ninth, and Eleventh Circuits—that a failure to make a disclosure required under Item 303 can support a private claim under Section 10(b), even in the absence of an otherwise-misleading statement.” Petition for a Writ of Certiorari at i, *Macquarie*, No. 22-1165, 2023 WL 3778765 (May 30, 2023).

The Court intends to hold a conference on November 1, 2023, at 4:30 p.m., at which counsel for the Lead Plaintiff and Defendants should be prepared to discuss the potential impact in this case of a decision from the Supreme Court in *Macquarie* and whether a stay pending the Supreme Court’s decision is appropriate. Unless the Court orders otherwise, the Court will conduct the conference by teleconference. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. Absent leave of Court obtained by letter-motion filed before the conference, the conference must be attended by the attorney who will serve as principal trial counsel. The parties are additionally invited—but not required—to file pre-conference letters

setting forth their positions on the issues identified above no later than October 31, 2023, at 5:00 p.m. These letters should not exceed three, single-spaced pages.

SO ORDERED.

Dated: October 27, 2023  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN  
United States District Judge